

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CIVIL NO.
)
\$58,240 UNITED STATES CURRENCY,) JUDGE
)
Defendant.)

VERIFIED COMPLAINT IN REM

Plaintiff, the United States of America, by and through the undersigned counsel, and brings this Complaint and alleges as follows in accordance with Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

NATURE OF THE ACTION

1. In this *in rem* civil action, the United States seeks forfeiture of \$58,240 United States currency (hereinafter “Defendant Property”) pursuant to 21 U.S.C. § 881(a)(6), which authorizes forfeiture of moneys furnished or intended to be furnished by anyone in exchange for a controlled substance or listed chemical, or proceeds traceable to such an exchange, or any moneys used or intended to be used to facilitate any violation of 21 U.S.C. § 801, *et seq.* including 21 U.S.C. § 841 (unlawful for a person knowingly to manufacture, distribute, or dispense, or possess with intent to distribute or dispense, a controlled substance) and 21 U.S.C. § 846 (unlawful for a person to attempt or conspire to commit the offense of 21 U.S.C. § 841).

THE DEFENDANT *IN REM*

2. The Defendant Property was seized by the Rutherford County Tennessee Sheriff's Office in the Middle District of Tennessee on November 22, 2021, during a traffic stop of a Nissan Frontier bearing Tennessee license plate number S69-46S.

3. The Defendant Property is presently in the custody of the United States Marshals Service.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. Venue is proper in the Middle District of Tennessee pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in the Middle District of Tennessee, and pursuant to 28 U.S.C. § 1395 because the Defendant Property is located in the Middle District of Tennessee.

6. Pursuant to 21 U.S.C. § 881(h) and 18 U.S.C. § 981(f), all right, title and interest in the Defendant Property vests in the United States at the time of the acts giving rise to the forfeiture.

FACTS

7. The facts and circumstances supporting the forfeiture of the Defendant Property are contained in the Declaration of Drug Enforcement Administration Task Force Officer Mark J. Gregory, a copy of which is attached hereto as Exhibit 1 and incorporated as though fully set forth herein.

PRAYER FOR RELIEF

WHEREFORE, the United States of America prays that the Clerk issue a Warrant for Arrest *In Rem*, pursuant to Federal Rules of Civil Procedure, Supplemental Rule G(3)(b)(i), for the Defendant Property, so that the United States may execute the warrant upon the Defendant Property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c); and that the Defendant Property be forfeited to the United States of America in accordance with the provisions of law; that notice of this action be given to all persons who reasonably appear to have an interest in the Defendant Property; that Plaintiff be awarded its costs in this action; and for such other necessary and equitable relief as this Court deems proper.

Respectfully submitted,

MARK H. WILDASIN
United States Attorney for the
Middle District of Tennessee

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VERIFICATION

I, Mark J. Gregory, Drug Enforcement Administration Task Force Officer, hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That I have read the foregoing Verified Complaint *In Rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are from information gathered by law enforcement officers, as well as my investigation of this case as a Task Force Officer with the Drug Enforcement Administration.

I hereby verify and declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 22nd day of March 2022 at Nashville, Tennessee.



MARK J. GREGORY
Task Force Officer, Drug Enforcement Administration